IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO : 27594 of 2004

Between:

1. Ramavath Moyya, S/o Somula, aged 35 years.
2. Ramavath Balaji, S/o Dhakiya, aged about 28 years, petitioners 1 and 2 are R/o Guvvalagutta, Nalgonda District.
3. Mudhavath Hachu, S/o Ganniya, aged 30 years, Caste Lambada, Occ. Tractor Driver, R/o Mainampally, Nalgonda District.

..... PETITIONER

AND

1. The Station House Officer, P. S. Chandampet, nalgonda District.
2. The Dy. Commissioner, Prohibition and Excise, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the seizure of petitioners goods, jaggery and allam along with Tractor bearing No. AP-24-T-5124, Trailor, AP 24-T-5125 by first respondent is illegal, arbitrary and violative of principles of natural justice.

Counsel for the petitioners: M. A. Bichaiah

Counsel for the respondents: G.P for Prohibition and Excise

The Court made the following :

ORDER:

Heard both sides.

Petitioner herein who is the owner of the Tractor bearing No. AP-24-T-5124 and a Trailor bearing No. AP-24_T-5125, filed this Writ Petition, inter alia, seeking a Writ of Mandamus challenging the seizure of the vehicle.

Though several contentions raised, it is evident from the counter affidavit filed by the respondents herein that the final orders of confiscation has already been passed and the same has been informed to the petitioner, on 15.12.1998.

In view of the above, it is not open for this court to go into the merits of the case, more over, the petitioner has got a remedy of appeal even as against the final orders.

Accordingly, the Writ Petition is dismissed. No costs. The petitioner can avail the remedy of appeal, if he so chooses.

Ka 3.11.2004.

To

1. The Station House Officer, P. S. Chandampet, nalgonda District.
2. The Dy. Commissioner, Prohibition and Excise, Hyderabad.

3. 2 CCs to G.P. for Home, High Court Buildings, High Court of A.P., Hyderabad. (OUT)

4. 2 CD copies.